

PROPOSED REQUEST TO CHARGE NO. 28

**BREACH OF FIDUCIARY DUTY/
FAITHLESS EMPLOYEE**

An agent who is faithless in the performance of his services is generally not entitled to recover any compensation from the principal, whether commissions or salary. It does not make any difference that the agent's services were beneficial to the principal, or that the principal suffered no provable damages as a result of the breach of fidelity by the agent.

Authority: Feiger v. Iral Jewelry, Ltd., 41 N.Y.2d 928, 394 N.Y.S.2d 626 (1977);
Phansalkar v. Andersen Weinroth & Co., 344 F.3d 184, 200 (2d Cir. 2003).